IN THE HIGH COURT OF JUDICATURE FOR RAJSTHAN AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL SECOND APPEAL NO.272/2007
Radhey Shyam Gupta & Anr. Vs. Chhunna

5.12.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri K.K. Sharma, for the appellant.
Shri Dr. R.K. Sharma, for the respondent.

In view of the order darted 11.4.2007 the learned counsel for the respondent along with respondent is present and submits that the respondent decree holder shall not execute the decree against the appellant-plaintiff- tenant upto 30.4.2009.

In view of the above, it is directed that the appellant shall furnished an undertaking before the learned trial court within four weeks from today to the effect that he would handover the vacant and peaceful possession of the premises in dispute to the decree-holder on or before 30.4.2009.

Along with the undertaking the appellant shall also submit proof of payment of all the arrears of rent ason 31.12.2007 if not already paid, or shall deposit the same or pay to the decree-holder the said amount within four weeks and continue to pay rent thereafter month by month regularly.

The undertaking referred to above shall also state that the appellant shall not sub let, assign or part with the possession of the premises in dispute or encumber the same during the aforesaid period in any manner.

In case however, the aforesaid conditions are not complied with by the appellant within the

aforesaid period of four weeks the decree-holder shall be at liberty to execute the decree forthwith.

Subject to the above this second appeal stands disposed. The application also stands disposed of.

(DALIP SINGH),J.

Ramchandrkhatri,PS